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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,421	01/12/2001	John E. Cronin	UV-O1	2320

7590 09/14/2005

Attention: Ryan K. Simmons, Esq.  
IPCapitalGroup, Inc.  
Suite 325  
400 Cornerstone Drive  
Williston, VT 05495

EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/759,421

Applicant(s)

CRONIN, JOHN E.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30,32-35 and 38-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30,32-35 and 38-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Request for Continued Examination***

The examiner is in receipt of the response to office action mailed 4/4/2005 which was received 7/5/2005. Acknowledgement is made that no changes were made to the claims, leaving claims 30,32-35 and 38-50 as pending in the instant application. The applicant's response has been carefully considered but was not found to be persuasive, therefore, the previous rejection is restated below:

### **Examiner's Note**

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 30,32-35 and 38-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Black (6,754,833).**

**In regards to claim 30**, Black discloses a system configured to allow a potential customer of distributors having a business affiliation with a parent company to access customized information of distributors using a site-code unique to the distributor (col 8, lines 50-67), the system comprising:

a host computer containing:  
customized information customized to the distributor (col 9, lines 40-55); and  
a group web-site containing business information of the parent company (col 9, lines 20-25)and operatively configured to:

Black teaches providing links (unique site code) from a community website to direct the buyer to a sellers website (FIG 29 and applicants response dated 4/22/2004, page 11 paragraph 11)), but does not specifically mention entering site codes into an input field, but uses superior technology to get to the website that is more user friendly. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to physically enter a site code rather than clicking on a hyperlink which applicant admits is superior technology to get to the website that is more user friendly, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. *In re Karlson*, 136 USPQ 184;

display said customized information in response to the potential customer inputting into said site-code field the unique site-codes of the distributors (FIG 4).

**In regards to claim 32**, Black teaches wherein said host computer contains business information of the parent company and said group web-site is operatively configured to display said business information and the customized information in response to the potential customer inputting into said site-code field the site-code of the distributor (FIG 4).

**In regards to claim 33**, Black teaches wherein said group web-site is operably configured to display a web-page in response to the potential customer inputting into said site-code field the site-code of the distributor,

said web-page containing the customized information and said business information (col 12, lines 33-50)

**In regards to claim 34**, Black teaches wherein the customized information comprises a distributor banner (col 9, lines 38-47).

**In regards to claim 35**, Black discloses a method of accessing business information common to a group of business owners that includes an individual business owner the group having a group web-site containing the business information of the individual business owners,

the group web-site including an input field for receiving private site-codes unique to individual business owners, the method comprising the steps of:

supplying collateral material to at least one potential customer (access information provided on the carriers cell phone),

said collateral material comprising the private site code (col 8, lines 51-67); and  
instructing said at least one potential customer to access the business information by visiting the group web-site and inputting the private site-code to the input field of the group web-site (see response to claim 30).

**In regards to claim 38**, Black teaches wherein the group web-site has a group URL and

the method further comprises the step of instructing said at least one potential customer to access the input field by accessing the group web-site using said group URL (col 9, lines 38-47).

**In regards to claim 39**, Black discloses a system configured to allow a potential customer of an individual business owner having an affiliation with a business group to

access customized information of the individual business owner using a site-code unique to the individual business owner, the system comprising:

a host computer containing:

customized information customized to the individual business owner; and

a group web-site operatively configured to:

display to the potential customer a site-code field for receiving the site-code from the potential customer; and

display said customized information in response to the potential customer inputting into said site-code field the site-code of the individual business owner (see response to claims 30 and 35).

**In regards to claim 40**, Black teaches wherein said host computer contains business information of the business group and said group web-site is operatively configured to display said business information and said customized information in response to the potential customer inputting into said site-code field the site-code of the individual business owner (col 10, lines 45-60).

41. (New) A system according to claim 39, wherein said group web-site is operatively configured to display a web-page in response to the potential customer inputting into said site-code field the site-code of the individual business owner, said web-page containing said custom information and said business information (see response to claim 30 and 40).

**In regards to claim 42**, Black teaches wherein said custom information comprises a banner customized to the individual business owner (col 9, lines 38-47).

**In regards to claim 43**, Black discloses a method of accessing custom business information of a distributor that is affiliated with a parent company having a distributor group web-site containing distributor information of the distributor,

the distributor group web-site including an input field for receiving a site-code corresponding to the distributor, the method comprising:

providing collateral material to at least one potential customer,

said collateral material comprising the site-code of the distributor;

instructing said at least one potential customer to visit the distributor group web-site; and

instructing said at least one potential customer to input the site-code to the input field of the distributor group web-site so as to access the distributor information (see response to claim 39).

**In regards to claim 44**, Black teaches wherein the distributor group web-site has a group URL and the method further comprises the step of instructing said at least one potential customer to access the input field by accessing the distributor group web-site using said group URL (see response to claim 38).



**In regards to claim 45**, Black discloses a method of accessing custom business information of an individual business owner that belongs to a group having associated therewith a group web-site containing the custom business information and including an input field for receiving a site-code corresponding to the custom business information of the individual business owner, the method comprising:

- receiving collateral material from the individual business owner,
- said collateral material comprising the site-code corresponding to the individual business owner and the custom business information;
- visiting the group web-site; and
- inputting the site-code to the input field of the group web-site so as to access the custom business information (see response to claim 39).

**In regards to claim 46**, Black teaches wherein the group web-site includes common business information common to the group and the step of inputting the site-code includes inputting the site-code to the input field so as to access the custom business information and said common business information (see response to claim 1).

**In regards to claim 47**, Black teaches wherein the custom business information comprises a banner customized to the individual business owner and the step of inputting the site-code includes inputting the site-code to the input field so as to access said banner and said common business information (see response to claim 42).

**In regards to claim 48**, Black discloses a method of accessing distributor information of a distributor that is affiliated with a parent company having a group web-site containing the distributor information and including an input field for receiving a site-code corresponding to the distributor, the method comprising:

receiving collateral material from the distributor, said collateral material comprising the site-code of the distributor;

visiting the group web-site; and

inputting the site-code to the input field of the group web-site so as to access the distributor information (see response to claim 30 and 35).

**In regards to claim 49**, Black teaches wherein the group web-site includes common business information and the step of inputting the site-code includes inputting the site-code to the input field so as to access the distributor information and said common business information (see response to claim 40).

**In regards to claim 50**, Black teaches wherein the distributor information comprises a distributor banner customized to the distributor and the step of inputting the site-code includes inputting the site-code to the input field so as to access said distributor banner and said common business information (see response to claim 42).

***Response to Arguments***

Applicant's arguments filed 7/5/2005 have been fully considered but they are not persuasive.

Applicant argues that the Black utilizes a direct link. The examiner disagrees and directs the applicant's attention to col 7, lines 40-50 and col 8, lines 50-67, where a portal is accessed through an IP address and is further directed by the port number which links the caller with the customized web site of the one of many companies associated with the portal.

Applicant asks why the examiner has placed a value judgement on the structure of the invention. The examiner notes that as discussed previously the instant application appears to be adding an element (the entering of the site code) which is accomplished automatically by Black ("port number" col 8, line 60).

Applicant is apparently attempting to establish "Long Felt Need", However this may only be established through a 37 CFR 1.132 affidavit.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "managing one link", "changes without any impact to the branded banner", "anonymous parent company", "security associated with the site code" almost instantly have their own very large web site", ) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-**

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**4252.** The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-7206** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

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A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Patent Examiner